

REMARKS

In the Office Action under reply, the Examiner has rejected the claims as follows:

1. Under 35 U.S.C. §102(b) as anticipated by Meijer (claims 92-97, 100, 102, and 109-114);
2. Under 35 U.S.C. §102(b) as anticipated by Schow (claims 92-97, 100-102, and 109-114);
3. Under 35 U.S.C. §102(b) as anticipated by Jacobsen (claim 92);
4. Under 35 U.S.C. §103(a) as obvious over Meijer (claim 107);
5. Under the judicially created doctrine of obviousness-type double patenting over the claims of copending U. S. Patent Application No. 09/929,771 (claims 92-96, 100, 101, 105-107, and 109-114);
6. Under 35. U.S.C. §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed (claims 92-97, 100-102, 107, and 109-114);
7. Under 35. U.S.C. §112, second paragraph, as indefinite (claims 92-97, 100-102, 107, and 109-114); and
8. Under 35. U.S.C. §112, first paragraph, as not enabled (claims 110-113).

Additionally, the Examiner has objected to the Abstract and to the schemes presented on pages 28 and 46 of the application. Applicants note with appreciation the Examiner's indication that the subject matter of claim 98, 99, and 106 would be allowable if the claims were rewritten to place them in independent format.

With the above amendments, claims 92-97, 100-105, 107-108, and 111-114 have been canceled and claims 98, 99, 106, and 109 have been amended. Thus, claims 98, 99, 106, 109, and 110 remain pending in the application.

The Examiner's rejections and objections are addressed, in part, by the above-amendments and are otherwise traversed by the arguments presented below.

The Amendments to the Specification

The specification has been amended to more clearly set forth the application priority claim.

The Abstract has been amended to reflect the structure of the claimed compounds.

The reaction schemes that were objected to have been deleted from the specification.

Tables 1, 3, and 7 have been amended to correct various informalities.

The Amendments to the Claims

Claims 92-97, 100-105, 107-108, and 111-114 have been canceled. Cancellation of these claims is without prejudice, without intent to acquiesce in any rejection of record, and without intent to abandon any previously claimed subject matter. The Applicants reserve the right to reintroduce the canceled claims in a continuing application.

Claims 98-99, 106, and 109 have been amended to overcome the Examiner's objection of those claims. No new matter has been added to the application by way of these specification and claim amendments.

The Application Priority Claim

The Examiner objected to the priority claim and asked that the priority claim be amended to more closely match the priority claim in the parent application. The Examiner's objection has been overcome by amending the specification to cancel the existing priority claim and to replace it with a new priority claim that corrects the problems the Examiner identified in the Official Action.

Continued Examination under 37 CFR 1.114

The Examiner states that claim 90 is still pending. In fact, claims 48-91 were canceled in the response to the September 9, 2002 Office action, as indicated in the current status of the claims.

Objection to Claims 98, 99 and 106

The Examiner has objected to claims 98, 99, and 106 as being dependent upon a rejected base claim. Although Applicants disagree with the Examiner's rejection of the base claims, in the interests of expediting prosecution of this application, Applicants have amended the claims such that claims 98, 99, and 106 no longer are dependent upon a rejected base claim. Applicants reserve the right to pursue canceled claims 92-97, 100-105, 107-108, and 111-114 in a continuing application.

Accordingly, claims 98, 99, 106, 109, and 110 are now believed to be allowable.

Rejection of the Remaining Claims

The Examiner's remaining rejections have been rendered moot by the cancellation of all but claims 98, 99, 106, 109 and 110 herein. It must be noted, that applicants continue to strongly disagree with the various rejections raised by the Examiner and fully intend to pursue the subject matter of the canceled claims in further continuing applications. It is only in the interest of expediting prosecution that the aforementioned amendments have been made.

CONCLUSION

For the foregoing reasons, applicant submits that the claims comply with the requirements of 35. U.S.C. §§112, 102(b), and 103(a) and are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

Should the Examiner have any questions regarding this amendment, he or she is welcomed to contact the undersigned attorney at (312) 913-2123.

Respectfully submitted,
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